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The Vermont Spirit

Perkins

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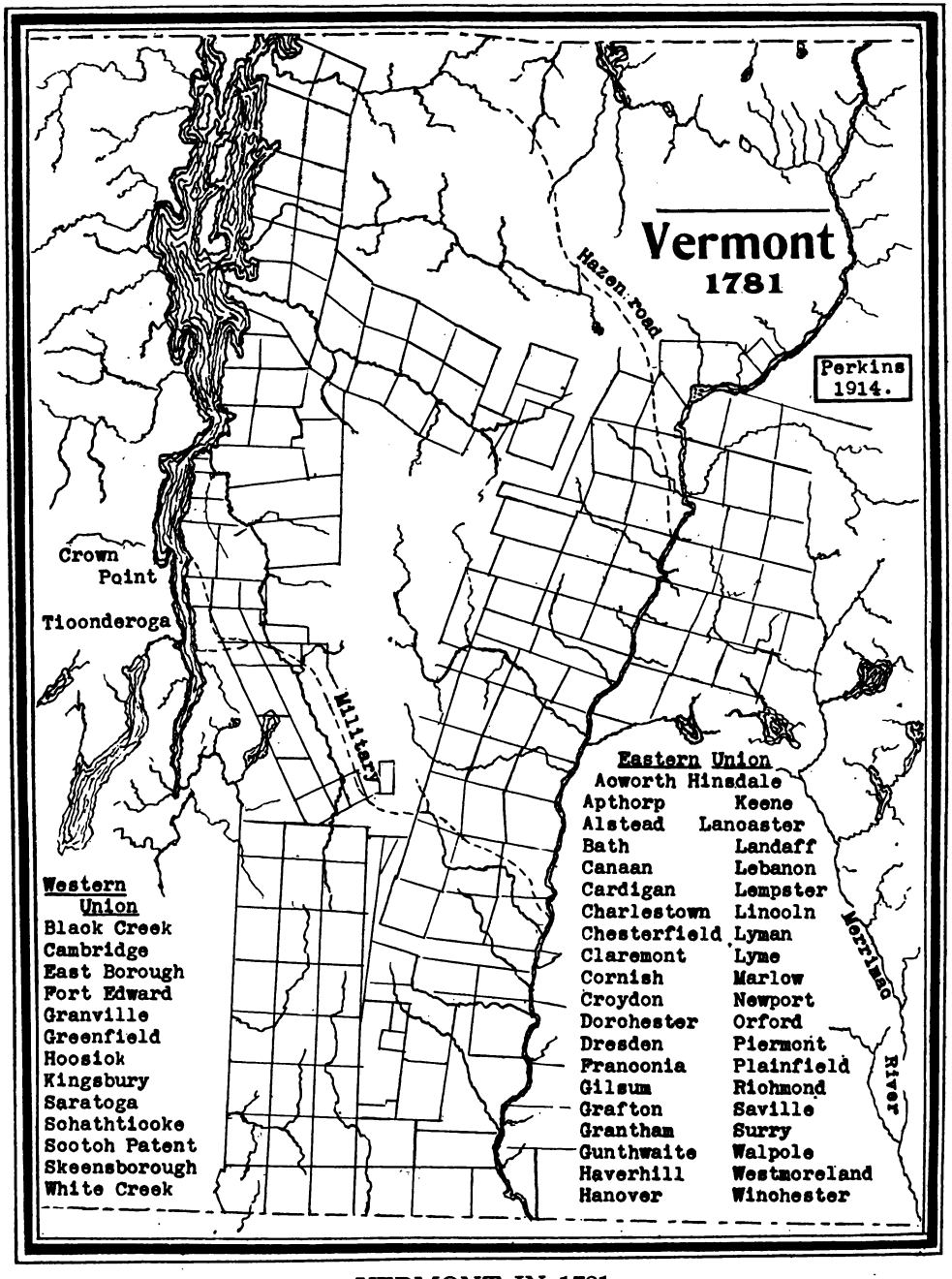

VERMONT IN 1781

The Vermont Spirit

A Study of the State's
Political History and a Review of Early
Social and Religious Customs

By Walter E. Perkins

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1916

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Foreword

If people should request an excuse for the bringing out of this book, I would refer them to John Cotton Dana of Newark, N. J., as being the guilty party. When he paid me a visit at my house on the hilltop three years ago and examined several volumes of manuscript papers relating to early Vermont history, he urged that it was my duty to take a pen and use my invaluable collection.

The twelve chapters here presented are primarily a study of ideals of character in the state's political history, supplemented with a review of early social and religious customs. I have treated the salient points in a narrative and critical style. Vermont history is not to be duplicated in any other country, and whenever possible I have given the story in the original language.

WALTER E. PERKINS

Pomfret, July, 1916

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The Vermont Spirit

CHAPTER I

The fourteen years of the republic named New Connecticut in the first draft of its Constitution and later renamed Vermont must always stand as a political enigma in American history. The search for the magnet which held together the bold adventurers who came up into the woods from the colonies of Connecticut and Massachusetts Bay to build homes and battle with timber wolves and Indians furnishes the student of history a rich field for exploration.

The creation of this new republic was due to the work of a Scotch physician, Doctor Cadwallader Colden, who in 1761 was appointed lieutenant governor of the province of New York. While it was not the purpose of Dr. Colden to create another British province, his influence more than that of any other man produced the orders in council on the 20th of July 1764, whereby His Majesty did declare "the western banks of the river Connecticut, from where it enters the province of Massachusetts Bay so far north as the 45th degree of north latitude to be the boudary line between the two provinces of New Hampshire and New York."

During the fourteen years preceding, Benning Wentworth, governor of New Hampshire, had issued nearly one hundred and forty patents of land within the territory annexed to New York by this

order, His authority from the British crown in this matter was similar to that of "power of attorney" at the present time. These grants covered one-half of the present area of Vermont and according to the rules of civilized jurisprudence were valid titles. If the New York government had been content with issuing patents upon the remaining half, there would have been no excuse for the birth of a new government.

It appears that the New York colonial officers were in the business for graft and greed, and were bent on selling the improvements already made by the settlers. According to the common law at that time, if a person was dispossessed of his real estate through an ejectment suit he received no compensation for the improvements made thereon. The " betterment act " as it stands upon the statute book today was not perfected until 1785. The settlers in Bennington county (Benning-Wentworth-his-county) very soon discovered that their homes had been sold to New York parties.

The first resistance against New York authority was at Bennington, October 19th, 1769. Commissioners were sent from Albany to survey upon the farm of James Breakenridge. By some means this farmer had notice of the coming of these surveyors, and when they arrived they found not only Mr. Breakenridge but all of his neighbors, apparently engaged in shucking ears of corn. Among the workmen was Rev. Jedediah Dewey,the pastor of the only church in Bennington. Mr. Dewey ceased husking corn and proclaimed to the commissioners a dissertation upon the science of human duty. The commissioners wisely accepted his counsel and returned to Albany without completing the survey.

Many of the farmers present were equipped with guns and ammunition, and while no boisterous threats were made, their action technically constituted a riot. Soon after this incident Mr. Dewey and several others were indicted at Albany for rioting, but the New York government was powerless to punish the offenders.

This incident was the initial contest against New York authority and by some writers has been termed the genesis of a new state. During the next six years incidents of this character were quite common, some of them far more serious in results, but in every instance New York authority was abated.

While the New York colonial office was miserably inefficient for any good purpose, in one particular it won a substantial victory, the issuing of confirming charters to settlers holding New Hampshire titles. It eased the minds of those who by disposition were adverse to belligerent proceedings to know that their homes were secure against ejectment suits. New York issued these confirming charters for most anything in the way of fees that could be obtained, ranging from $300 for the charter of Newfane to $2300 for that of Chester. These charters were in law not worth a penny. Few of our state historians understood this point, but the rule was clearly elucidated in the oration delivered by Edward J. Phelps in 1891 at the dedication exercises of the Bennington Battle Monument. When the writer of this article was in attendance at a session of the Windsor County court in July 1908, in the case of Hicks against the Jones Lampson Power Company, counsel for the plaintiff presented the New York charter of the town of Weathersfield as evidence in

establishing the validity of certain land titles. The court promptly excluded the New York charter.

It is impossible within the limits of a magazine article to discuss at great length a principle in political ethics. In the next chapter I shall write concerning the dark blot in our early history.

CHAPTER II

The Vermont Declaration of Independence, January 15, 1777, was the inevitable sequence of the American Declaration of July 4, 1776. The American Declaration was the logical outcome of oppressive British legislation for its American colonies. The Vermont Declaration was the immediate result of an attempt by the colony of New York to force the New Hampshire patentees to purchase their homes a second time.

A person favoring the mother country during the revolutionary period was termed a loyalist or Tory. The converse of this was patriot or Whig. Early in the contest the management of the Tory element commanded the attention of those engaged in building the new state. At the fourth general convention of the New Hampshire Grants held at Dorset September 25, 1776, it was voted to build a jail "for the confinement of Tories" near the residence of Martin Powell in Manchester. "Said Goal to be built of a double wall of logs, not less than twelve inches through, laid eighteen inches distance between said walls, the vacancy to be filled up with earth about seven feet high, and then floored with logs double, a good roof, and a strong wooden door."

The convention which adopted the first constitution of our state met at Windsor July 2, 1777, and adjourned six days later. While the convention was at work, news came of the evacuation of Ticonderoga and invasion of the western towns by a portion of Burgoyne's army. The executive affairs of the state were at once placed in the hands of a Council of Safety consisting of twelve members,

who immediately proceeded to Manchester. Before the fifteenth of July the Council had authorized confiscation of the property of Tories for support of the state government. Four months later the adoption of this scheme was recommended to the thirteen states by Continental Congress.

Twenty-one years after this event, a history of Vermont was published in London, with Ira Allen as its auther. Allen makes the claim that he was the author and originator of the confiscation scheme. He reaffirmed his claim in 1808. One of his biographers writes: "It may not be too much to say that the victory at Bennington was due to the energy and wise provision of Ira Allen."

David Redding, a Tory, was hanged at a public execution at Bennington June 11, 1778, for "supplying the enemy on the Lakes with provisions." A climax was reached in 1779 by the passage of the Proscription Act at the February session of the Legislature. Those to whom the duty was assigned of editing a Vermont history for use in our common schools, did not mention this Act, but it stands as the most remarkable law placed on the Vermont statute book. It was the expiring gasp of a Roman custom which antedated the Christian era. One hundred and eight persons, whose property the state had confiscated, were proscribed. Included in this number was a citizen of Hartland who held the office of Justice of the Peace and was prominent in the early organization of that town. The Act provided that if the persons therein enumerated returned to the state of Vermont, under certain conditions they were to be whipped, banished and put to death. This Act was unpopular with the people and was repealed the following year.

Politics divided the Allen family. Levi Allen, one of the brothers of Ethan and Ira, was a Tory. Levi served as a lieutenant in the American army in 1775, but left the state the next year. In 1779 the state brought confiscation proceedings against his real estate in the towns of Swanton and Georgia.

The surrender of Cornwallis in October 1781, practically ended the war of the Revolution. The embarrassment which Doctor Franklin and the other peace commissioners experienced, in arranging a treaty, is described by Ellis in Narrative and Critical American History: "On one question a serious difficulty in the framing of the treaty arose from the want of any national authority in the government of the loose confederation of the United States, the treatment of the American loyalists or Tories, against whom the bitter feeling in most of the States led to cruelly persecuting acts, confiscating their property and driving them from their homes. Some of these people had provoked that feeling by malignant and barbarous hostilities in the war; but a large part of them were men of character and culture, and whose expulsion from the country was a serious mistake. The British government felt bound to protect them; but that of the United States had no power to control the action of the States, and could only promise the exercise of an influence which proved to have no effect."

It was unfortunate that the founder of our State University should have put forth the claim of being the author of the confiscation idea, and also that as treasurer of the new republic whose motto was "freedom and unity", his scheme for raising revenue was not drawn on finer moral lines.

CHAPTER III

"From far Michiscoui's wild valley to where
Poosomsuck steals down from his wood-circled lair,
From Shaghticoke river to Lutterloh town,—
Ho—all to the rescue! Vermonters, come down!"

The above quotation is one of the seventeen stanzas of the poem, Song of the Vermonters, and is here given as being descriptive of the remote boundaries of our state at the period of which this chapter treats. This spirited poem was published in a pamphlet issued by the Vermont Historical Society in 1846. It was generally believed that it was written not later than 1781. The town of Lutterloh (now Albany) was chartered in 1781 and the district of Schaghticoke was not within the jurisdiction of Vermont later than February, 1782. In 1858 the Quaker poet, John G. Whittier, admitted that he was the author.

The sudden growth of the state in 1781 through the diametrical extension of its jurisdiction by pacific conquest, forms one of the dramatic chapters of its history. Such a bold and aggressive political move would scarcely have been undertaken by old campaigners in the prime of life. Ira Allen, who was just entering his thirtieth year, was undoubtedly the ring-leader in this political game. The predominating force in the conquest which contributed most in perfecting the two unions, was the unhesitating willingness of a large majority of the settlers to becoming subjects of the new state. Unlike the state's experience in disciplining Tories

and Yorkers, the incident was bloodless, and the most remarkable point in the case would seem to be the promptness with which the New York and New Hampshire authorities retreated when Governor Chittenden proclaimed that resistance against Vermont authority should be suppressed by military force.

A writer of critical history has put forth the proposition that without the Dartmouth college faction with its inordinate schemes, intrigues and overweening ambition for political place and power, all the New Hampshire grants would have been included in the state of New Hampshire- This position is far fetched. The College party gave the Exeter government great anxiety, but came near being a political tool in the hands of Ira Allen. At the head of the College party was Bezaleel Woodard, a son-in-law of Eleazer Wheelock, Dartmouth's first president. Mr. Woodard was a professor in mathematics and philosophy, and the political force behind the College newspaper, Dresden Mercury and Universal Intelligencer, which began its career in May, 1779. In 1776 Meshech Weare, president of the New Hampshire council, wrote to their delegate in Congress, that owing to an address fabricated at Dartmouth college, almost the whole of Grafton county refused to send members to the Assembly.

When the first Vermont Assembly met at Windsor in March, 1778, the College party appeared with a petition from sixteen towns asking for admission. The Assembly was puzzled and voted to refer the question to the people for a decision. At the June session it appeared that the plan had been accepted; thirty-seven towns voted yes and twelve no. The

members from the New Hampshire towns were admitted at the October session. The Exeter government at once protested against this union, and Vermont sent Ethan Allen to interview the members of Congress. Allen upon his return expressed the opinion that Vermont would be admitted to Congress as a state if the New Hampshire union was dissolved. In the second week of the October session, Dartmouth's project of forming all the east side towns into a county by itself was defeated, thus depriving these towns of the powers of other towns, whereupon the members from those towns and all Vermont towns north and east of Pomfret bolted, and left the Assembly with a bare quorum.

In June, 1779, New Hampshire voted to lay a claim to the jurisdiction of the whole of the New Hampshire grants. In October Massachusetts laid claim to a part of Vermont. This was a move made in favor of the independence of Vermont and to offset the claims of New Hampshire and New York. During 1779 and 1780, many petitions were sent to Congress by the parties at interest, and Congress passed resolutions in relation to Vermont which amounted to practically nothing.

January, 1781, a convention which had for its object the uniting of the towns on each side of the river with New Hampshire met at Charlestown. Vermont was represented unofficially by Ira Allen. Upon representation by Allen that the Governor favored the plan of extending the east line of Vermont to twenty miles east of the river, the convention accepted the proposition. General Benjamin Bellows who drafted the order for a union with New Hampshire withdrew from the convention. General Bellows was at that time a member of the

New Hampshire Assembly. He was the founder of the town of Walpole and the falls in the Connecticut river in that town were named in his honor. He also had considerable fame as an Indian fighter. At the February session arrangements were completed for submitting the union idea to the people. At the April session it appeared that the union had been confirmed by two-thirds of the towns on each side of the river, and forty-one representatives from the east side towns were admitted. Seven of the larger had two members each, and Bath, Lyman and Morristown one member for the three towns.

At the June session petitions from adjoining New York towns were presented asking for admission to the new state. The western union was confirmed by a vote of more than two-thirds of the members. Six Vermonters, including John W. Dana of Pomfret, voted against their admission. In July the Governor issued a proclamation declaring that a line running westerly on the Massachusetts line to the Hudson river, thence northerly to its source, and from thence due north to latitude forty-five degrees north, to be the western boundary of Vermont. In October Elisha Payne of Lebanon was elected Lieutenant Governor, and at the same time commissions were issued for sheriffs and judicial officers in the two unions.

In the latter part of October a clash occurred in the town of Hoosick. John Van Rensselaer, a colonel in the New York militia, arrested Samuel Fairbanks, a lieutenant colonel under a Vermont commission. In turn Van Rensselaer was arrested but afterwards released. General Gansevoort of New York, at the request of Governor Clinton, ordered out four regiments of militia to quell the riot, but

was only able to muster eighty men. When this small company discovered several hundred militia advancing from Vermont under command of Ebenezer Walbridge, they immediately fled, and this closed the incident.

The collisions in the eastern union were of a sensational character. A constable under a Vermont commission was prevented from serving a precept by two men in Chesterfield, for which these men were committed to Charlestown jail. They petitioned the New Hampshire Assembly for relief and Col. Enoch Hale, sheriff of Cheshire county, was ordered to release them, but in attempting to execute the order, was himself arrested on the charge of attempting to break jail and at once committed to the same jail. Colonel Hale's account of his arrest in a letter to Meshech Weare reads like a current chapter from " militant suffragettes."

" For a front guard, they raised some of their most ablest women and sent forward with some men dressed in women's apparel, which had the good luck to take me prisoner. Put me aboard one of their sleighs and filled the same with some of the principal women and drove off nine miles to Wellan tavern in Walpole, the main body following after with acclimation of joy where they regaled themselves and then set me at liberty, nothing doubting but that they had entirely subdued New Hampshire."

In December the Exeter government issued to Robert Smith, sheriff, an order for the arrest of two members of the Vermont Assembly. A few days later the following advertisement was posted over the signature of Smith: " Four hundred silver dollars reward to any person that brings Samuel King

of Chesterfield to Exeter in New Hampshire and there confine him in goal. Said King was taken prisoner by the subscriber and conducted under proper guard twenty miles. At Keene a number of men armed with clubs, swords and staves did, on the morning of the January first by violence rescue said Samuel King from me."

Joseph Burt of Westmoreland to Meshech Weare: "This moment two men from Chesterfield, who made their escape from the mob, who after they had rescued Samuel King from the officer, returned to Chesterfield, and apprehended Lieutenant Roberson and two others, who they seemed determined to treat according to the custom of Vermont, that is by whipping them. They have driven many of the good subjects of the state from their homes in this cold night. Mr. Bingham's son is one that has come to my house for shelter. N. B. You will excuse the writing, being called out of bed in a cold night."

General Bellows to Meshech Weare: "Upon the return of the mob, after proper refreshment at said King's, they sought for all those persons who were any way concerned in assisting the officer, some of whom they got into their hands, and have abused in a shameful manner, by striking, kicking and all the indignities which such a hellish pack can be guilty of, obliging them to promise never to appear against the new state again; and that is not all, they swear they will extirpate all the adherents to New Hampshire. I have two inhabitants of Chesterfield now sheltering under my roof, who I think would be treated by them in a barbarous manner were they in their power, as they have stove the doors and broke up houses in search of them. I am informed that there is in Chesterfield about one

hundred persons who support said King, who damn New Hampshire and all their authority to hell, and say New Hampshire can do nothing only in a mean and underhanded way; in short, they defy the authority of the state and support their usurped authority."

Owing to the effect produced by making public the letters exchanged between Governor Chittenden and General Washington, on February 21, 1782, the eastern and western unions were dissolved.

CHAPTER IV

The preceding chapter closed with an account of the dissolution of the eastern and western unions by a vote of the Legislature. Vermont, a few weeks previous, had sent Jonas Fay, Ira Allen and Israel Curtis as agents to carry on negotiations with Continental Congress, then convened at Philadelphia. The following is Allen's account of the matter, as printed in his History of Vermont:

"The agents of Vermont being convinced that no decision against Vermont would pass in Congress, and feeling an anxiety to learn the proceedings of the Legislature, took their leave of Congress about the 22d of February, 1782, and set out for Bennington with all possible speed. At Colonel Griffing's, in the Fish-kills, in the State of New York, they met the unwelcome tidings that the Legislature had dissolved her unions; and proceeded to Bennington, found that the Legislature was adjourned, and the members left town the day before; the Governor and Council were making out credentials and instructions to the Delegates appointed by the Legislature to negotiate the admission of Vermont into the federal union. The agents gave their opinion that Vermont would not be admitted; that she had, by dissolving her union, weakened her strength, lessened her consequence, and exposed herself to the sport of state politicians; and her safety depended upon the events of peace or war. Thus while the preceding measures were carrying on in

Philadelphia, the Legislature of Vermont, without waiting the advice or arrival of their agents from Congress, became the dupes of state politicians, precipitately dissolved their unions, lessened their strength, real and political consequence."

Probably very few of the leading Vermonters concurred with Allen in this matter, and while there was great disappointment that the state was not taken into the federal union at that time, civil war with New Hampshire was averted. A side light on the situation in the eastern union at that period, is contained in the memorial of a citizen of the town of Landaff. The extracts given herewith are found in volume ten, New Hampshire State Papers.

"The memorial of John Clark of Landaff humbly showeth: That the memorialist was one of the first settlers of Landaff, where he hath, in opposition to wheedlings, frowns, insults and every conceivable machination supported the common cause of these United States agreeably to the Laws of the State of New Hampshire. That the memorialist cannot think himself censurable when he observes that the sentiments of the good people in many of those unhappy Towns, cannot be determined by the votes in their Town-meetings, as none are allowed to vote but such as take an oath to support the government and laws of Vermont; so that ten men having received the sop, will carry on the business of the meeting, when perhaps three times that number who have not the mark of the —— and from principle cannot join the faction, are obliged to stand mute. That the memorialist has patiently endured persecution and new-coined insults not to be described, and can no longer endure the torture of such accumulated distress.

"That on the 29th of September last at Landaff

aforesaid, your memorialist being in the peace of God and the good people of the State, about his lawful employment, traveling in the public road from his house to a remote part of his farm, when on a sudden, he saw a banditti of about a dozen men, armed with guns and other offensive weapons, gathered in a riotous manner, near a barn in the possession of one Daniel Titus; when one of the ringleaders of the riot stepped forth and seized the horse on which your memorialist was riding, and commanded him to join in the riot, to turn John Cressey and family out of their house, to perish in the wilderness; but the memorialist refusing, Eleazer Wheelock and others, with force and arms in a high-handed manner, made great efforts to bind him on his horse. By this time the mob was in a tumult —some yelling and whipping, others firing guns, others accusing the memorialist of being the enemy of the Dartmouth College Party; thus in triumph they carried off the victim of their malice. When near the setting of the Sun, the said Eleazer Wheelock seized violently on the body of the memorialist, and by force dragged him toward the house of one Noys, who was among the gang, whereby the memorialist was most grievously injured in body and mind. He, with many others have the gloomy prospect of having to submit to the mandates of a lawless banditti, on the one hand; or on the other, forsaking their dear-earned habitations, to seek an asylum.

"The difficulties here subsisting, originate from the machinations of certain subtle Tories, joined by those who have ye conducting of Moor's Charity School at Hanover, and their emissaries, to promote the views of British administration, rather than any

attachment they have to support the pretended State of Vermont."

The closing thrust at the Dartmouth College party lends color to the belief that Mr. Clark's grievance was written up as a campaign document for use against the College faction by some official connected with the Exeter government.

While the foregoing memorial furnishes a graphic picture of the spirit of both parties in the western New Hampshire towns, it is probable that the members of the " banditti " would have rendered a different version.

CHAPTER V

"New York, New Hampshire, the Tories and Guilford", have counted as the four common adversaries of the young republic. While Guilford was the only town in the state where the opponents of the home government were in a majority, nearly every town had its Yorkers. The foes within probably gave the state officials greater anxiety than the foe without. The state being without protection from Continental troops and occupying a frontier position, the Governor and state officials resorted to correspondence and diplomatic intrigue to prevent ravages from British troops. Only seven or eight persons had full knowledge at the time respecting the Haldimand correspondence, but the rumors set afloat produced a disquieting effect and caused many to suspect that the state officials were planning to sell out Vermont to the British government.

The distrust of the state government found expression in a petition to Governor Clinton and the New York Legislature, signed by seven citizens of Pomfret. The extract given herewith is found in Clinton Papers, volume seventeen.

"Pomfret in ye county of Cumberland, May, 1783. His Excellency George Clinton Esq. & the honorable Senate & Assembly of N. Y. Gentlemen: We whose names are hereunto written, have through abundance of difficulty got into our Possessions from your respectable body and at all times and in all places have disavowed the Proceedure of the Missionaries of Vermont and acknowledged ourselves

bound by the strongest ties to subject ourselves to the Government of N. York. But notwithstanding our utmost Endeavors to maintain our Admired Constitution, it has not only been Neglected and Violated, but treated with Contempt by the Basest of men, and we became the subjects of their Inveterate hatred and malicious Intentions, which they have not failed to put into Execution, in rending from us our Necessary Sustenance to support their Unconstitutional Assemblies. What we wish & Pray is, when this Destrict shall again become the subject to the state of New York that our Conduct during the Revolution may Enquired into and that we may not be considered as those who rebelled against the best of Governments, but Considered (if found to merit it) as free Citizens and loyal subjects of the state of New York, which is the Prayer of your humble suppliants."

Guilford was at this time the most populous town in the state and Governor Clinton, to encourage allegiance to New York, issued military commissions to several citizens in that town. In June, 1782. Vermont passed an Act for the punishment of Conspiracies. Under this Act four of the citizens of Guilford, after full court proceedings, were taken across the border into New Hampshire, and there the sentence of banishment was read. They were forbidden to return to Vermont under penalty of death, and their estates were ordered to be confiscated for the benefit of the state.

This action on the part of Vermont greatly aroused Congress and in December a resolution extremely hostile to Vermont was passed. January 10, 1783, Governor Chittenden forwarded to Congress a remonstrance against this resolution. It has

been written, "diplomacy is truth in reverse English." Whether this is a proper definition or not, there was no reverse English about the Governor's remonstrance. It stands as the keenest document among Vermont state papers.

"How inconsistent is it in Congress to assume the same arbitrary stretch of prerogative over Vermont, for which they waged war against Great Britain? Is the liberty and natural rights of mankind a mere bubble, and the sport of State politicians? What avails it to America to establish one arbitrary power on the ruins of another? Congress set up as patriots for liberty, they did well, but pray extend the liberty, for which they are contending, to others."

Congress resolved: "Vermont without delay shall make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck and such others as have been condemned to banishment and confiscation of estate, or have otherwise been deprived of property, since the first of September last, and that they be not molested in their persons or properties, on their return to their habitations in the said district." Chittenden replied: "Congress has been so mutable in their resolutions respecting Vermont, that it is impossible to know on what ground to find them, or what they design next: At one time they guarantee to the States of New York and New Hampshire their lands and jurisdiction to certain described limits, leaving a place for the existence of this State. And the next that this government hears from them, they are within those limits, controlling the internal government of this State. Again they prescribe preliminaries of confederation, and when complied with on

the part of this State, they unreasonably procrastinate the ratification thereof."

Congress resolved: "That the United States will take effectual measures to enforce a compliance with the aforesaid resolution, in case the same shall be disobeyed by the people of the said district." Chittenden replied: "In this case it is probable that this State would appeal to the justice of His Excellency General Washington, and in as much as His Excellency, the General, and most of the inhabitants of the contiguous States are in favor of the independence of this State, as limited by Congress, as aforesaid; I beg leave to suggest to them, whether it is not more prudent to refer the settlement of this dispute to the States of New York and Vermont than to embroil the confederacy of the United States therewith."

James Madison, a member of Congress, wrote: "An indecent and tart remonstrance was received from Vermont against the interposition of Congress in favor of the person who had been banished and whose effects had been confiscated. A motion was made by Mr. Hamilton of New York to commit it. Mr. Wolcott of Connecticut, who had always patronized the case of Vermont, wished to know the views of a commitment. Mr. Hamilton said his view was to fulfill the resolutions of Congress, which bound them to enforce the measure. Mr. Dyer of Connecticut said his was, that so dishonorable a menace as that of Congress to Vermont, might be as quickly as possible renounced.

This was the last attempt by Congress to discipline the Republic of Vermont.

CHAPTER VI

In the preceding chapter, the four individuals named in the resolutions of Congress, were credited to the town of Guilford. While this town was the storm center of Yorker activity, but one of the number was a citizen of Guilford, the others being residents of the three adjoining towns, Brattleboro, Marlboro and Halifax.

For quite a period prior to the hostile resolutions of January, 1783, the congressional committees were deluged with petitions and memorials from the Yorkers in the southeastern part of the state. A petition from Guilford in 1782 reads, "If the eastern and western unions were dissolved Vermont, if filled to its utmost extension, would never be able to maintain inhabitants enough to support the charges, honor, power and dignity of an inland State; or to build such defence at the north as were needed; or to man, victual and support them, in case they should be erected."

The following extract taken from the deposition of three Yorkers, dated Halifax, September, 1782, is a representative sample of the memorials which Congress was continually receiving: "We were taken prisoners here and carried to Guilford under a strong guard and orders was given to march. Our captors were fired upon by Yorkers, and there was a request made to Col. Ethan Allen that if any of his men were fired at and killed, for to kill as many of the prisoners. What answer he made we can't tell, but he gave general orders that if any party discovered themselves and fired upom them,

to give no quarters, but kill them if they could. These were the orders we marched under up to Westminster Gaol, and there confined with a strong guard round the Gaol. Then we was taken out of Gaol and marched to Marlboro for our trials and was fined. We was prisoners eleven days, in which we had but four meals of vituals allowed us for the time. And further, Ethan Allen said he could go to Albany and be head monarch if he had but orders in three weeks' time and he had good mind to do it; and further, Allen God damned Clinton over and over from time to time, and Allen said that the British never intended to wage war against Vermont; that Vermont had at first taken up arms against the British, but it was the sin of their ignorance and would be winked at. And if those who profess allegiance to the State of New York and those who support Vermont would be united, they might make independent fortunes, while the thirteen united states were quarreling among themselves and becoming bankrupts."

The following extract from the deposition of a Westminster citizen was certified by Governor Clinton, March, 1783, and forwarded to Congress: "Col. Stephen R. Bradley addressed a number of men at Walpole, Exclaiming against the Congress, meaning the Continental Congress, Villifying and reproaching them, and that he (the deponent) was well satisfyed they Damned the Congress & for their Toast, drank their Confusion & Drank the helth of King George the third of England, said Bradley having at this Time Addressed himself to that Company to know whether they would come and assist them of Vermont Partie against the Continental Troops which were expected to come among the

Vermonters, to Fight against them in case they of Vermont should need them."

The hostile attitude of Congress towards Vermont greatly encouraged the Yorkers. They were slow to be convinced that Vermont would dare disobey the commands of Congress. Timothy Church, the first named in the resolutions of Congress, returned to his home in Brattleboro. Seven days later he was arrested by Vermont authorities and conveyed to the jail in Bennington. In the following February he petitioned for a release, His petition set forth his "sincere and hearty penitence and determination to behave orderly and submissive in case of pardon." He was pardoned by an Act of the General Assembly in February, 1783.

The following account was sent to the printers of the Vermont Journal by Stephen R. Bradley and was dated Guilford, January, 1784: "On the 17th inst. I received by express from the Commissary General, intelligence that a body of armed men to the number of about twenty, the preceding night, had marched from Guilford to Brattleboro, and about the hour of 12 at night, had surrounded the house of landlord Arms, in said Brattleboro, and fired a number of balls into the house where were a number of travelers and others, and wounded one or two men, and then by violence bursted into the house, and had taken and carried away Constable Waters, who had put up there that night, supposed with a design to take from him a quantity of money which he had been collecting on taxes; I sent the express to the High sheriff, who very soon made an official demand of 200 men from the posse to assist him in the execution of his office. On the 13th the posse were mustered at Brattleboro, to the amount

of 200 and upwards, where General Fletcher joined us on his way from Boston. On the 19th, received information that the whole body of Yorkers who were determined to oppose collecting taxes, were assembled at Guilford. We immediately marched to the posse there, in order to reduce them to the obedience of the laws; upon our appearing in sight with the troops, that body of men betook themselves to flight without firing a gun. The militia were stationed at Guilford meeting-house for two days, in which time about 30 Yorkers came in, took the oath of allegiance and delivered up their arms. Having learned that about 40 Yorkers were assembled in arms near the South line of Guilford, I received orders from General Fletcher to take a detachment of 120 men and disperse them. We marched about three miles and came in sight of landlord Packer's, who lived within half a mile of the Massachusetts line, where we perceived a number of men turning out of the house and parading; by the time the posse had got within 20 rods of the Yorkers, they gave one fire upon our troops and then retreated. About 25 of their guns went off and Sergeant Sylvanus Fisk was fatally wounded. The posse rushed on with great resolution, but the Yorkers got over the line into Massachusetts before our troops could get up with them."

Guilford remained under martial law during the remainder of the winter, during which time Daniel Spicer, a citizen of Massachusetts, was accidentally fired upon and killed. This incident was followed by a proclamation from Governor Hancock, warning the inhabitants of that state against intermeddling with the affairs of Vermont and New York.

CHAPTER VII

The negotiations between Vermont and the Governor of Canada form the most sharply criticised chapter of the history of our State as an independent sovereignty, and to many it had the appearance of treason. The establishment of British authority over Vermont would have left the condition of the settlers very much like that of the people in the eastern townships of Canada. This condition while not to be preferred to that of the present people of Vermont was one that would give reasonable assurance of protection to private rights. The settlers could not have this assurance under the jurisdiction of New York.

While a large majority of the settlers in the eastern half of the State would not have been greatly affected if New York had succeeded in establishing jurisdiction, this was not the case with those in the western half. A writer has this to say in respect to patriotism: "When learned men sit in their libraries and write disquisitions on the duty of good citizens to be patriotic and support the authorities which control their homes, the situation has a very different aspect to them from that presented to citizens who find themselves called on to support authority which they know will deprive them of any home and make them exiles and outlaws, and that too in despite of the acknowledged injustice of that procedure. Patriotism consists mainly in the attachment to and the defence of one's home. When that home is unjustly taken from a man there is but little left of patriotic duty."

The Vermonters owed nothing to Continental Congress. Up to the time of these Haldimand negotiations, so far as that body had given any expression of intention, it had been to sustain the New York jurisdiction. Ethan Allen was very much in earnest when he wrote to the president of Congress that, rather than submit to the jurisdiction of New York, he would retire with the Green Mountain Boys to the mountains and wage continual warfare.

Eight men besides Ethan Allen were from the first in the secret of Allen's negotiations with Governor Haldimand. In the language of an authority on constitutional law: "The establishment of the jurisdiction of New York involved the loss to them of every piece of property they had in the world. Of these men, six lived in the town of Bennington and one in Sunderland. Another was Governor Chittenden who had a temporary home in Arlington during the war, but whose permanent home and property interests were in Williston and Jericho. The homes of every one of these Bennington men were, with all their buildings and improvements, either actually covered by judgments in ejectment in favor of the New York claimants or were liable to be made subject to such judgments when the New York jurisdiction should be established. In that case the claims for intervening damages for their occupation of the property would sweep away all their personal estate and leave them penniless. No quieting act of the New York legislature could have saved their homes to these men, because if the New York claimants had acquired a valid title to those lands no legislative enactment could take it away from them. Notwithstanding the specious pretenses of Governor Clinton's proclamation, there

was no safety for those men of Bennington against the claims of the land jobbers. There was no pretence in that proclamation of any construction that would save to Governor Chittenden his property in Williston and Jericho, or give protection to the Allens in their large property interests. These men knew very well that the re-establishment of the New York jurisdiction would effect not only their own utter financial ruin but that of nearly all the other settlers on the west side of the mountains."

The applications of Vermont for admission to the Union and the refusal of Congress to accept them did not fail to attract the attention of the British authorities. The correspondence of General Haldimand with the home government has been published, and shows that as early as 1778 the British officers were carefully watching that action. In 1780 Beverly Robinson, the noted royalist who successfully corrupted Benedict Arnold, wrote a letter to Ethan Allen, proposing negotiations with the view of detaching Vermont from the confederacy. No notice was taken of this letter, which was received by Allen some time during that summer. The following winter Robinson wrote another letter to Allen. Copies of this letter and of the preceding one were forwarded to Congress with a letter in Allen's characteristic style, asserting that inasmuch as Congress had rejected their application for a union, the people of Vermont had perfect right to negotiate with the British or any one else. During the summer of 1780 application was made to Governor Haldimand for an exchange of prisoners. A flag was received, and upon that application a truce was arranged between Ethan Allen, commanding the Vermont militia, and the British troops then

holding possession of Lake Champlain. Commissioners were received within the British lines and the British authorities manifested a very kindly spirit towards the Vermont officers.

These negotiations caused Allen to be suspected of treachery. The following extract is from a letter from General Schuyler to General Washington: "The people are in a great forment; capital charges were exhibited against Allen; he was cited to appear before the assembly; when the charges were read he behaved with the utmost impropriety, drawing his sword and threatening to cut off some of their heads if they did not desist; the command of the militia was taken from him."

The following is from the Assembly journal: "the remonstrance by Captain Hutchins and the remonstrance by Simeon Hathway referred to this day, were taken under consideration. Hutchinson's remonstrance was read and the other was ordered read, and while reading General Allen rose up and said he would hear no more of it, as it was beneath his character to sit there and hear such false and ignominious aspersions against him, and went out of the house. After some debate a member notified him that the assembly would proceed to take the matter of Captain Hutchins' remonstrance into consideration. General Allen accordingly attended and requested to know of the house whether they hear the remonstrance of Mr. Hathway, and if they did he would not attend to neither, and being answered in the affirmative, he went out of the house." The following day the Assembly voted to acquit Allen of the charges preferred and also to accept his resignation as brigadier-general.

I will close this chapter with an extract from a

letter from Ethan Allen to General Haldimand. This particular letter has met with more adverse criticism than anything else that came from the pen of Allen. His admirers say that he was simply amusing the British general, while his critics say that the statements in this letter were inconsistent with honor:

"The last refusal of Congress to admit this state into union, has done more to awaken the common people to a sense of that interest and resentment of their conduct than all which they had done before. By their own account, they declare that Vermont does not belong to their confederacy. The consequence is they may fight their own battles. It is liberty which they say they are after, but will not extend it to Vermont. Therefore Vermont does not belong either to the confederacy or to the controversy, but are a neutral Republic. There is a majority in Congress, and a number of the principal officers of the Continental Army, continually planning against me. I shall do everything in my power to render this state a British Province."

CHAPTER VIII

The extinguishment of Vermont through effecting a compromise between New York and New Hampshire by establishing a divisional boundary line at the crest of the Green Mountains, was a project continually under consideration among the leading statesmen of the two interested states. The disputed land grants were principally upon the western side of the mountains, and while the scheme would have been quite acceptable to the New York land speculators, it was a plain graft proposition unsupported by any moral principle in political ethics.

In 1770 John Jay, a New York member of Continental Congress, wrote to Governor Clinton: "the delegate from New Hampshire seems much inclined to make the ridge of mountains instead of the Connecticut river the boundary line between us." In February, 1780, after several unsuccessful attempts to induce Congress to proceed to a hearing of the controversy, the New York delegates in that body addressed a formal letter to Governor Clinton, recommending an "accomidation of the dispute with New Hampshire." A few days later the Governor communicated this letter by message to the Assembly. The message and letter were referred to a joint committee of both houses, of which Micah Townshend of Brattleboro was chairman. Mr. Townshend reported an answer to their delegates in Congress, which declared it "ineligible at present to attempt an accomidation with New Hampshire in

the mode you have proposed; at a future day possibly the measure may appear not only expedient but necessary."

Among the many abortive attempts by Congress to adjust the Vermont question, came the following threat in the form of a resolution, which after some debate was killed: "That in case the inhabitants, within the above-described district do not desist from attempting to exercise jurisdiction over the lands guaranteed to New Hampshire and New York as aforesaid, and shall not within the time limited comply with the terms specified in the foregoing resolutions, Congress will consider such neglect or refusal as a manifest indication of designs hostile to these United States, and all the pretentions of the said inhabitants heretofore made for admission into the federal union were fallacious and delusive; and that thereupon the forces of these states shall be employed against the inhabitants in the district, and Congress will consider all the lands within the territory to the eastward of a line drawn along the summit of a ridge of mountains or heights of land extending from south to north, throughout the territory between Connecticut river on the east and Hudson's river and Lake Champlain on the west, as guaranteed to New Hampshire; all the lands within the territory to the westward of the said line, as guaranteed to New York under the articles of confederation."

A renewal of the scheme of carving Vermont through the center appeared soon after the dissolution of the eastern and western unions. In June, 1782, the New Hampshire Assembly passed a resolution in relation to the matter and transmitted the same to Governor Clinton: "Resolved that altho

this State suppose they have a just title to the whole Territory called Vermont which has long been controverted between this State and the State of New York, nevertheless. for the sake of Peace and a good harmony with said State of New York and to accommodate the said inhabitants East of the said height of land, this State is willing to extend their Jurisdiction over that part of the Territory called Vermont that lays East of said height of land, Provided the generality of the inhabitants thereof shall desire it, provided also that New York will settle a boundary line upon the said heighth of land." Governor Clinton expressed confidence that an amicable settlement would be effected, but the scheme proved to be unpopular and was soon dropped.

Rumors in relation to the negotiations between Vermont and Canada caused great uneasiness. In the General Assembly, June, 1781, a resolution was passed: "Resolved, that an inquiry be made into the grounds of a report of a treaty with Canada, &c., to-morrow morning, when the committee of the whole meets." The Governor and Council attended the meeting the next day. The Governor reported, that with the advice of the Council, he appointed Colonel Ira Allen to go to Isle-aux-Noix to settle a cartel for the exchange of prisoners in behalf of the State. That Allen was then present and could best inform them as to the proceedings. Allen gave a long and detailed account of the matter. The following is Allen's account as printed in his History of Vermont:

"All seemed satisfied that nothing had been done inconsistent to the interest of the States; and those who were in the interest of the United States

paid their compliments to Colonel Allen, for his open and candid conduct. In the evening he had a conference with the Canadian spectators on the business of the day, and they appeared to be as well satisfied as those from the neighboring States and Vermont. Is it not curious to see opposite parties perfectly satisfied with one statement, and each believing what they wish to believe, and thereby deceiving themselves?".

I will close this chapter with an extract from a letter from Ira Allen to General Haldimand, dated July, 1782. If the British general had laid Allen's letter before the loyal subjects of Vermont instead of filing it away for future generations to study, it seems hardly probable that there would have prevailed that degree of universal satisfaction just noted which Allen has described in his History of Vermont:

"I am sent by governor Chittenden, general Allen and their privy council to negotiate a reunion, and privately authorized to engage in behalf of Vermont, that the authority and most of the populace in that state are desirous to become a British state on the conditions proffered by your Excellency. They have likewise promised to abide by any engagement I shall enter into for them, provided the same be kept a profound secret until the British government can protect and assist them, and provided they shall not be obliged to go out of Vermont to make war with the other states. They will receive the King's troops and garrisons, and will join them to oppose any troops or forces that shall invade Vermont to prevent her reunion with Britain. They have likewise promised never to take arms again in opposition to British government, nor

to assist congress on any pretence whatever. Vermont contains eight thousand men including the west union, and out of these, two thousand may be raised for a standing militia. These with the assistance of four thousand British troops would probably be able to defend the frontier as far as the New City. The Vermonters would not assist in keeping a garrison at Albany, because it is not of their state, nor do I think it would be good policy to take Albany till the reunion can be publicly acknowledged and supported. If the other colonies should invade Canada, Vermont will oppose their march through that state as far as possible, but they could not with safety take arms to stop their progress until supported by the King's troops and the reunion with Britain completed."

CHAPTER IX

The attempt of the New York government to secure continental troops for enforcing authority in its claim of jurisdiction, furnishes an interesting chapter in the closing action on the Vermont question in Continental Congress. New York was prevented from using her militia in enforcing authority against Vermont, as the sixth of the Articles of Confederation interposed an obstacle which could not be removed without the consent of congress. It provided:

"No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted."

In March, 1784, the New York Legislature passed a resolution of instruction to its delegates in congress. These instructions contained an implied threat of withdrawal from the union, unless congress take immediate action on the Vermont question. This action by New York brought forth a remarkably spirited letter from Governor Chittenden, directed to the president of congress. The letter was directed April 26, 1784, and the following is an extract:

"It appears from the late journal of the Senate of

the State of New York, 'That the delegates be further instructed to press Congress for a decision in the long protracted controversy respecting the right of this State to the district commonly called the New Hampshire Grants;' and further, 'But that if she must recur to force for the preservation of her lawful authority, the impartial world will pronounce that none of the bloodshed, disorder or disunion which may ensue, can be imputable to this Legislature.' As to this bloody proposition, the Council of this State have only to remark that Vermont does not wish to enter into a war with the State of New York, but that she will act on the defensive, and expect that Congress and the twelve States will observe a strict neutrality, and let the two contending States settle their own controversy.

As to the allegation of the State of New York against the conduct of this State in bringing a few malcontents to justice and obedience to government whom they have inspired with sedition, I have only to observe that this matter has been managed by the wisdom of the Legislature of this State who consider themselves herein amenable to no earthly tribunal.

Before I conclude this letter I beg leave to remind your Excellency that it appears to the Council of this State improper that the States of New York and New Hampshire, who are competitors for the jurisdiction thereof, should vote in Congress on any motion which respects Vermont, and also contrary to the express resolution of Congress of the 24th of September, 1779, in the words following: 'And that neither of the said States shall vote on any question relative to the decision thereof;' that is, relative to the independence of Vermont; although it appears

from the journals of Congress that those claiming States have ever since voted on all matters in which the interest of this State has been concerned.

I conclude this letter with the satisfaction of reminding Congress that this State is still desirous of a confederation with the United States."

In June, 1784, the New York delegates in Congress presented several measures to that body, which had for their object the placing of continental troops under the control of that State. Each measure was promptly voted down in Congress.

The following letter from Morristown, N.Y., dated June, 1784, reflects the belligerent view of certain New Yorkers. This copy is from the issue of the Vermont Journal, of August, 1784:

"By a gentleman, that has lately left the state of Vermont, and whose veracity is undoubted, we are informed, that the passions of the leading Vermonters appear to be as turbulent as ever; their intemperate folly having animated them to take up arms against this state, and show their obstreperousness to others, in order, as is pretended, to adjust and settle the boundaries of the self-created State of Vermont. Several people have been killed, and yet the Congress seem to tacitly permit a petty state to triumph and insult two powerful states, either of which could crush to atoms those arrogant, shallow-brained men, whose only security hitherto has been the peaceable disposition of the people whom they have injured. Certainly a civil war ought at all times to be carefully guarded against, but yet if it is absolutely necessary, the sooner it is undertaken the better. A very small force would soon reduce the Vermonters to reason, and compel them to submit their claims to the Congress, in whom

alone is invested the power of adjusting such differences as the arm of civil power may not be long enough to reach. Indeed we are authorized to assert, that great numbers of the inhabitants of Vermont are extremely disgusted with their distracted government, and would be very glad to be united to the state of New York."

These incidents marked the closing of New York hostility towards Vermont. From 1784 to 1791, Alexander Hamilton and the leading New York statesman worked for the independence of Vermont.

CHAPTER X

Insurrections in Windsor and Rutland

The most dangerous shoal over which the founders of the new republic were compelled to pilot the State government, was the radical ideas which prevailed among the people respecting popular government.

The first constitution was the work of a convention of delegates representing the different towns and was never submitted to the people for ratification by popular vote. It was not regarded as a barrier against the will of the majority. The General Assembly was considered as the highest court of last resort, a sort of clearing house for all kinds of trouble.

The early laws reflect the extraordinary power assumed by the Legislature. The third session of the General Assembly was held at Windsor, and on the 20th day of October, 1778, the following was enacted: "On petition of Ruth Chamberlin praying she may be divorced from her husband Amos Chamberlin as may be seen by petition on file. This Council after hearing the petition and the Evidence on Mature Deliberation are of the Opinion that she may be and is hereby Divorced from her said Husband, and a bill be granted to her accordingly."

At a session of court held on September 9th, 1779, with Moses Robinson, Esq., presiding, William Parker of Shaftsbury obtained judgment against that town for the amount of three hundred pounds, on

account of land damages in the laying out of a highway by the selectmen of Shaftsbury. At the February session in 1784, it was enacted: "that the order and determination of Moses Robinson Esq. made on the ninth day of September 1779 between William Parker and the selectmen of the town of Shaftsbury is hereby declared to be null and void in law."

At the February session in 1782 came the following: "Be it enacted, etc. that the judgment rendered by Jonathan Child and Bildad Andross, Esquires, of the county of Orange in the month of August last, in an action of forcible entry and detainer, prosecuted by John Alger against Enoch and Eliphalet Bean, be, and is hereby, annulled and made void; and that the sheriff of said county is hereby directed, as soon as may be, to put the said Enoch and Eliphalet into possession of the premises of which they were ousted by the said judgment." The cases here quoted are representative of a large number of laws which recalled judicial decisions in the various courts throughout the state.

The first Council of Censors which met in 1785, was composed of thirteen of the brightest lawyers in the state. This body issued an address to the people which recommended the repeal or amendment of twenty-one laws which were pronounced unconstitutional. The address was remarkable for the severity of its censures. Among other matters: "The several statutes passed for obliging creditors to accept the produce of the country, in lieu of money, are also considered by this Council as viola tions of that protection, which by the fundamental laws of society, and by the ninth article of the Bill of Rights, every individual has a right to expect for his property, upon his entering into civil society."

The address of the Censors naturally added largely to the discontent of the people. Many were as destitute of produce for the paying of their debts as they were of money. Then there was a certain class at that time (as well as at present) who wished to avoid paying their debts. The latter class undertook to stir a revolution, and their first move was an attempt to prevent the courts from holding sessions.

BARNARD FARMER LEADS INSURGENTS

At Windsor in November, 1786, a company of thirty or forty insurgents, headed by Benjamin Stebbins, a Barnard farmer, and Robert Morrison, a Hartland blacksmith, attempted to prevent the sitting of the court. Their plans were frustrated through the alertness of the sheriff, Benjamin Wait. The sheriff with a company of militia surrounded the insurgents at the house of Captain Lull in Hartland, and twenty-seven persons were taken and brought to jail, most of whom pleaded guilty and were sentenced to pay fines, costs of court, and procure bonds for their good behavior for one year.

THE RUTLAND INSURRECTION

At Rutland the insurgents were more successful in their attempts. On the 21st of November, 1786, a mob of insurgents entered the court house and made prisoners of the court officers after the court had refused their demands for an adjournment. The militia from the neighboring towns was summoned and several hundred men bearing arms were soon upon the premises. There was some desultory shooting and a few persons were wounded. Thirteen of the leading insurgents were brought into court and compelled to pay heavy fines. A full

and complete history of the affair may be found in Doctor Caverly's History of Pittsford.

Unfortunately the leader in the Rutland insurrection was a prominent citizen of Pittsford, a man who held the offices of Justice of the Peace and County Judge; had served his town for three terms in the Legislature and had but recently been elected for a fourth term. As a result, when the Legislature convened the following February, he was expelled from the House, the motion being carried unanimously upon a yea and nay vote.

The laws recalling judicial decisions were promptly repealed, but the punitive measures were not reformed until Vermont had been a member of the Federal Union for several years. In February, 1795, a Pomfret citizen was compelled to have his right ear cut off and the letter C burned upon his forehead by a hot branding iron as a just reward for counterfeiting paper money.

CHAPTER XI

Pomfret in the Early Days

The preceding chapters deal essentially with political ethics in our state's history. It may be worth while in this chapter to consider social ethics.

The first schools in the state were held in the homes of the settlers and were supported by subscription, each settler paying according to the number of pupils furnished. As soon as framed houses appeared, schools were usually held in the abandoned log houses.

The writer has made a collection of seven hundred manuscripts which are mounted in a large invoice book. They are arranged chronologically and commence with the year 1756. There are letters, commissions, Continental currency, complaints, executions and every conceivable document. They relate principally to affairs in the town of Pomfret and present a graphic picture of the administration of civil government in the days of our state's infancy.

School Teachers Paid One Bushel of Wheat per Week

On page 16 is mounted a subscription paper dated June 14, 1786:

"We, whose names are hereunto subscribed being Sensible of the Necessity of a school for the Education of our children Do hereby engage unto Each other, and unto Mrs. Betty Sessions, if she

will Engage to keep a School for us at the house or shop belonging to Esq'r Dana for the space of three months or more, to pay her for her Service one Bushel of good wheat or four shillings per Week to be paid by the first day of November next. Each Signer to pay in proportion to the Number of Schollars he Signs for and Engages to Send to Said School, Sickness Excepted." Fourteen weeks of school were maintained at a total expense of 96 shillings, or 16 dollars; every obligation being paid in wheat.

From Early Text Books

One is naturally impressed by the amplification of thought and artless simplicity of expression, which some of the early text books exhibit:

"Joan is a nasty girl."

"Children drink brimstone and milk for the itch."

"Greedy gluttons buy many dainty bits for their ungodly guts."

Coming down to the day of Doctor Noah Webster, we read:

"New Haven has the longest wharf in this country."

"It is a solemn thing to die and appear before God."

"Large bushy whiskers require a good deal of nursing."

"A good boy will not lie, swear, nor steal. He will be good at home, and ask to read his book; when he gets up he will wash his hands and face clean; he will comb his hair and make haste to school; he will not play by the way as bad boys do."

The early arithmetics reflect the every day habits of the people:

"Divide four and one-half gallons of New England rum equally among one hundred and forty-four soldiers."

The next example is scarcely practical, but of intense interest.

"What length of cord will fit to tie a cow's tail, the other end fixed in the ground, to let her have the liberty of eating an acre of grass and no more, supposing the cow and tail to be five yards and one-half?"

The rule for dry measure has an unfamiliar sound:

"Two quarts make one pottle;
Two bushel make one strike;
Two strikes make one coom;
Two cooms make one quarter;
Four quarters make one chaldron;
Five quarters make one wey;
Two weys make one last."

Observe the moral in the next:

"John made three marks on one leaf of his book, and six on another; how many marks did he make?"

"His teacher punished him for soiling his book by giving him four blows on one hand and five on the other; how many blows did he strike?"

"Seven boys laughed at him on one side of the house when he was punished, and two on the other; how many boys laughed?"

Fined for Sabbath Breaking

The most amusing lapses from statute virtue contained in the collection of papers, are those relating to Sabbath breaking. The peculiar character of offenses and the quaint language render them curiosities in criminal judicature:

A complaint entered by the tythingman against a

young man and two young ladies, who were out horseback riding on the "Lord's Day" September, 1778, reads: "In the forenoon they were seen to pass by Jesse Smith's, William Child's and Charles Walcott's. In the afternoon they were seen to pass by Abel Perin's."

April, 1793, four youths and four maidens were fined on account of their actions in the Meeting house. A part of the record reads: "I have considered ye matters, I order Lydia Richards to pay two fines, one six shillings, ye other two shillings for ye misconduct in time of Divine service. I order Lora Manning, Tryphena Perin and Sally Child, each to pay a fine of three shillings for misconduct in time of Divine service."

May, 1793, Rodolphus Durkee was fined two shillings "for a breach of the Sabbath at the house of Jonathan Dana, by laying a handkerchief on Silvena Lamb's arm and also for Smiling about the same time." Lamb was also fined "for having a black handkerchief tied on his arm and by allowing a pare of spurs put on his arm while returning home."

October, 1795, Jeremiah Healey was fined three shillings and six pence. The complaint runs: "that ye said Healey did go from Pomfret to Hartford after a gun etc. and back again to Pomfret on ye Lords Day."

February, 1796, Jesse Kemp was fined ten Shillings "for needlessly traveling after foxes on ye Lords Day."

July, 1796, three young men were fined three shillings each for picking strawberries on Sunday. The complaint reads: "Needles traveling on Sunday by Stroboring."

December, 1796, Jacob Child was fined two shillings on complaint of the tythingman: "he did in time of Public worship behave unseemly by Laughing and appeared to be carying on Sport with a number of others."

July, 1797, Luke Lamphear "did unnecessarily catch fish on ye Lords Day."

June, 1799, a complaint against Josiah Bullard reads: "On the 12th day of May past, being ye Sabbath, did set out for Canada with a horse." But there is no record of his being fined or having returned from Canada.

Public Whipping in Pomfret

Of the more serious offences, the return of Barkos Green, constable, reads: "Pursuant to the Judgment of a court at the trial of James Brown, I have proceeded to Execute my Office in laying on the twenty-eight stripes on the naked Back, according to Judgment of said Court." This was a public whipping at Pomfret in 1783, a retribution for steal ing Thomas Vail's pocket book.

In the settlement of Pomfret there came from Lower Canada a family of Beebes. There were Seba, Reuben, Jonathan and Eli. Seba was a bit weaker than the others. In 1785 he was fined by Squire Dana "for striking Andrew Culver with a rake stale." In 1789 Seba was before Squire Throop in a civil action. In 1794, Seba was arrested in Strafford "for falsely forging base metal in the likeness of one hundred Spanish milled dollars, and passing the same knowing them to be counterfeit." He was convicted at a session of the Supreme court sitting at Windsor in February, 1795. The return of William Switzer reads: "In obedience to the within command, I on the twenty-eighth day of February,

betwixt the hour of one and three P. M., took the within named Seba Beebe to a suitable place in the town of Windsor, and there caused his right ear cut off, and branded him with a hot iron with a letter C on his forehead." In addition to the above sentence, Beebe was fined five pounds, and on March first was committed to Newbury jail in default of payment of the fine.

Prior to the establishment of a newspaper in Vermont, the Essex Gazette, printed at Salem, Mass., had many subscribers in this section. The writer has a copy of the issue of April, 1770, and an advertisement which appears therein is here given below:

"Nathan Frazier has on hand a variety of articles. Among his Goods (none of which have been imported since the Year 1768) are the following: Linen Calicoes, Chints, Patches, Chentzes, Dowlass, diaper Table-cloths, clouting Diaper, Taffetas, Mantaus, Brolios, Silveritts, Griezets, Missinets, Gimps, sampler Canvas, Crewels, Camblets, Cambleteens, Moreens, Durants, Fustians, Plains, Grograms, Russels, Calimancoes, Sagathees, Duroys, Dussils, mill'd Baize, Ratteens, Frizes and Half-thicks. British tooth powder, which cleans the teeth and gums from all foulness, and renders them white as ivory, sound and free of pain. Sugar plums for worms of all kinds in men, women and children."

CHAPTER XII

In ideals of character the early political history of Vermont indicates that the state led where others trailed.

The early settlers came principally from the colonies of Connecticut and Massachusetts Bay. While their first essay at legislation was largely a copy of the existing laws of the colony of Connecticut, students of history are impressed with the progressive character of the first laws, as compared with the laws of the parent colony.

The historian of Pomfret, Connecticut, says: "The first two pastors of the Congregational Church owned slaves and had slaves born in their families. They bequeathed them like their cattle to their children." A few of the settlers of Pomfret, Vermont, brought with them the slaves they owned in the parent Connecticut town, and the incident seems natural. The Constitution of 1777 practically put an end to slave ownership in Vermont. In this matter New England and the northern states followed the lead of Vermont, New Jersey being the last state in line in 1804.

In religious matters Connecticut had a "standing order", a denomination established by law. In that colony, prior to the year 1700 people were taxed to support "a learned orthodox ministry." In Norwich, Conn., forty men were imprisoned in one year for refusing to pay the minister tax. Backus the

historian says: "In December 1795, six Baptists of Harwich, Mass., having refused to pay church taxes, were seized and taken to prison at Barnstable. One old man, being taken ill, paid his tax before reaching Barnstable, to save his life. The other five concluded to do the same thing rather than lie in jail all winter. Others paid after arrest rather than undergo imprisonment."

The Episcopal church historian Tiffany writes: "Episcopal students at Yale college were fined for attending Episcopal services unless they were communicants, and then, could go only on sacrament Sundays, which were rare. And besides, they were obliged to recite frequently the Westminster Confession of Faith as a part of the college curriculum."

Connecticut became so alarmed that in 1742 a statute was enacted forbidding ministers to preach in any other parish than their own, without invitation of the pastor or people on penalty of forfeiting all title to the benefit of the laws for the support of the ministry. Exhorters were forbidden to exercise their gifts without permission of the parish authorities, and all strangers from outside the colony, who should presume to teach or preach without such permission of pastor or parish, were to be sent as vagrants from constable to constable out of the bounds of the state. Trumbull writes: "Governor Law of Connecticut gave orders that Mr. Samuel Finley, a learned and pious young gentleman, afterwards President of the College of New Jersey, who had been guilty of preaching in Milford, should be carried from constable to constable, and from one town to another, until he should be conveyed out of the colony."

Vermont did not have a "standing order", but

the first laws provided penalties for trading, sport, travel or disorderly conduct on Saturday evening and Sunday. In 1783 a law was enacted authorizing a town to hire a minister and vote such settlement and annual support as should be found necessary, the cost being assessed upon the polls and ratable estate within the town. But certain persons were exempt from the operation of the law: All who before the publication of the act should have confederated together to support the gospel; such persons, being of adult age, as shall bring a certificate signed by some minister, deacon, elder, or moderator of the special church or congregation to which they pretend to belong. Such certificates being shown to the town clerk and by him recorded, the persons named were relieved from such taxes. If Vermont had a standing order, it was of the local option sort and depended upon local majorities.

The following is from the records of the proprietors of Pomfret, but the meeting at which this vote was taken was held in Woodstock, Conn., "at ye house of Mr. Zuruiah Paysons": "The question was put whether the proprietors would lay off twenty acres of each particular right in the township of new pomfrett to lye for a personage forever, the use and income of which to be improved for the support of a Congregational Minister and for no other use. Voted in the affirmative." In 1807 came the repeal of all laws in Vermont relating to taxation for religious purposes. This move was largely due to the protests and influence of the leading Baptists throughout the state. Connecticut retained the same odious statutes until 1818.

It was an easy task for the Legislature to repeal odious church laws, but when the state undertook

to shake off the clutch which the Episcopal church had obtained through the cupidity of a local governor, it was quite another matter. Benning Wentworth was extremely kind to his friends. He remembered Daniel Warner in fifty-one different charters, Richard Wibird in forty-nine and Joseph Newmarch in thirty-eight. James Nevin, John Downing and Wiseman Claggett were also favorites of the Governor. To the Episcopal church he was even more kind than he was to himself. Two branches of this church succeeded in getting about one-thirtieth of all the real estate subsidized for their benefit. Wentworth started the granting business in 1749 when Bennington was chartered. Halifax was chartered the next year. The charters of these towns do not mention any religious sect. But the charter of Marlborough issued in 1751 contains the following: "One Shear for to remain as a Glebe for the benefit of the Church of England, which is to be under the Direction of the Church Wardens of Queens Chaple in Portsmouth and for the benefit of the Church there, till an Episcopal Clergyman is settled in said Marlborough." In the grant of Westminster, in November 1752, the fifth issued by Wentworth, came the following: "One whole Share for the Incorporated Society for the Propogation of the Gospel in Foreign Parts."

Two separate acts of the Legislature, passed in 1787 and 1794, undertook to give the rents accruing from the glebes assigned for the English church to the religious societies existing in the various towns where the glebes were located. By a verdict obtained in a suit brought at Manchester, in the Circuit Court of the United States, the act of 1794 was declared unconstitutional. In 1802 a new law was

passed to appropriate the glebe lands for the support of schools. A suit brought by the town of Pawlet against the Episcopal church tenants of these lands was decided in favor of Pawlet by the Supreme court of the United States in 1815. The chief ground of the decision was that the original purpose of the reservation did not take effect, because there was no party in existence to receive, and that the government of Vermont, succeeding to that of Great Britain, might resume and re-appropriate the reservation at pleasure. This action settled the matter of the glebe lands.

The Propogation society, the name which was usually adopted, was chartered about the year 1700 by William the third, king of England. In 1815, through the efforts of Doctor Stewart, Bishop of Quebec, the rights of this society were transferred to the Episcopal church. A suit brought by the church against the town of New Haven in the United States Supreme Court, terminated in 1831 by a decision in favor of the church. During the next ten years the church obtained possession of nearly all of the Propogation lands.

From a commercial viewpoint, the Propogation lots were a detriment to the towns in which they were located. They could not be taxed for the support of poor, highways and schools, and the towns could only tax the betterments or buildings. The returns of the census enumerator for 1850 in the town of Pomfret show that two of the inmates of the almshouse had gained a residence in that town by having been tenants of the Episcopal church lot number 60. The commercial value o these lots was the result of adjacent civilization. The abutting land owners were compelled to care

for the pauperism which these lots created, while the tenants were paying an annual rental for the support of a fashionable church in a far away community. The Verment statutes require the listers at the quadrennial appraisal to set in the Grand List the name of the occupant of each parcel of sequestered real estate, with the amount of rental it pays for public and pious purposes. In some cases the ownership of these church lots are unknown to the listers. Frequently the owner is a non-resident, and as the land is not taxable, the owner fails to have the conveyance recorded at the town clerk's office, and thereby saves the recording fees. As a result, the name appearing upon the grand list record is that of a deceased person, whose estate was long since distributed.

The early historians have noted thas the "free air of Vermont attracted au unusual number of unworthy men among the Clergy of that time." Backus writes: A Baptist minister, William Grow, who removed from Pomfret, Conn., to Bridgewater, Vt., and recovered his credit so far by a penitent and good behavior, that he was settled as the pastor of a church in Woodstock, which prospered three years, when new difficulties arose and he was dismissed." A Baptist church gathered in Pownal in 1772 lasted but a few years, "because of the defection of the pastor from the purity of a minister's life." The pastor of the Baptist church of Shaftsbury is described as "a man of ardent temperament, but somewhat periodical in his religious feelings." The conduct of the first rector of Arlington was unsatisfactsry; atter being dismissed, he was succeeded by a man "whose conduct proved still more exceptionable." The first pastor of the

Congregational church in Pomfret became involved in a lawsuit with the town; later he deserted his family of eight, married again and joined the Baptists. The second pastor of this church, after being excommunicated, engaged in the manufacture of potato whiskey.

But many of the early ministers were honest and sincere men, and would have fared badly but for great physical exertion, apart from their professional labors. A clergyman in Andover was also a cordwainer. "This cobbler-clergyman worked at his shoe-mending all the week with his Bible open on the bench before him, and he marked the page containing any text which bore on the subject of his coming sermon, with a marker of waxed thread. Often the Bible, in his pulpit on Sunday, had thirty or forty of these shoe-thread guides hanging down from it."

The contest for freedom of religious thought war even more vigorous than that against taxation for ecclesiastical purposes. Dartmouth college em, braced the official head of the Grafton Presbytery an organization taking its name from the county in which Dartmouth is located. This society comprised a dozen branches of the Scotch church, including that of Rev. Aaron Hutchinson in Woodstock. A case of discipline came up in the church at Hanover center, of which Rev. Eden Burroughs was pastor. A sister brought a complaint agains one of the brothers: "For brow-beating and insulting me when attempting to admonish him for forbidding his family to come to my house unless of an errand; for telling me I was meddling ye most of my time with that I had no business with; for telling me I had almost broke up our

school by my conduct, also by the way of irony he told me if I proceeded against him he supposed I would get Mr. Blank to enter ye complaint, which conduct I apprehended to be a breach of ye ninth commandment, and also a violation of his covenant engagements, and having taken ye more private steps and being unable to recover the brother from his error, I in this way tell it to ye church."

The brother was brought to trial, the offences proved and he was censured. He, being dissatisfied, carried his cause to the Presbytery. This body found that there were "extenuating circumstances and did not hold him as worthy of censure." This incident precipitated a contest which lasted twenty years. At the end of that period the Grafton Presbytery passed out of sight and Congregational churches took the place of Presbyterian churches in this immediate vicinity.

A case of discipline came up in the Congregational church at Pomfret. A young man, Gamalial Vail, attended a public ball. To save himself from excommunication, he was compelled to make a public confession of being guilty of "frolicking and vain mirth."

A mauling was held at Castleton. A bill of complaint with fifteen specific charges was brought against Rev. Mathias Casier. One of the items reads: "That the said pastor holds that no infants are guilty of actual transgression before they are born into the world." The council which took up the charges made a report which exonerated the pastor, with just a few mild rebukes thrown in.

The well-preserved records of the five Pomfret churches furnish a great many cases of discipline: The Freewill Baptists met every fourth Seventh

day, at the house of John Gibson on Bunker Hill. In 1807, "voted to send sister Polly Fenno a Gentle letter of Admonition, and voted to have Br. John Braley Prepare sd letter & voted to have Br. Asa Braley bear the same to her." At the same meeting, after the brethren had "Given in the Lead of their minds", it was voted "to send a letter to Sister Betsey Abbott and Request her to Come and make Satisfaction to us." At the next meeting, fellowship was withdrawn from Sister Abbott. In 1830, Mr. Joseph Hewitt was excommunicated from the Congregational church, because "he declined to publicly renounce Universalism."

But the most remarkable case of discipline appears in the records of the Methodist church. A man and his wife, after serving the town several years as wardens at the Alms house, returned to their home in April, 1844. No action was brought against this couple by the civil authorities, but on account of a complaint made by a brother church member, a mauling council was convened. Fellowship was withdrawn from this couple, because at the trial the evidence tended to show that they had been guilty of taking to their home from the supplies at the Alms house, "a piece of Salt pork, a lump of butter and a bandbox, containing about a peck of nutcakes."

Rev. Philander Miles is said to have used the following unique phraseology in a petition for rain:

"O Lord, Thou knowest we do not want Thee to send us a rain which shall pour down in fury and swell our streams and carry away our hay-cocks, fences, and bridges; but, Lord, we want it to come drizzle-drozzle, drizzle-drozzle, for about a week. Amen."

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